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## HOUSE BILL NO. 909

Offered January 22, 1996

A BILL to amend and reenact §§ 8.01-271.1 and 8.01-449 of the Code of Virginia, relating to contents of pleadings.

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Patron—Barlow

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Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:****1. That §§ 8.01-271.1 and 8.01-449 of the Code of Virginia are amended and reenacted as follows:**

§ 8.01-271.1. Signing of pleadings, motions, and other papers; oral motions; sanctions.

Every pleading, written motion, and other paper of a party represented by an attorney shall be signed by at least one attorney of record in his individual name, and the attorney's address shall be stated on the first pleading filed by that attorney in the action. *Every initial pleading or other paper, whether or not a party is represented by an attorney, shall contain the party's full name, date of birth, social security number and home mailing address when the information is reasonably available.* A party who is not represented by an attorney shall sign his pleading, motion, or other paper ~~and state his address.~~

The signature of an attorney or party constitutes a certificate by him that (i) he has read the pleading, motion, or other paper, (ii) to the best of his knowledge, information and belief, formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and (iii) it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. If a pleading, written motion, or other paper is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant.

An oral motion made by an attorney or party in any court of the Commonwealth constitutes a representation by him that (i) to the best of his knowledge, information and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law, and (ii) it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

If a pleading, motion, or other paper is signed or made in violation of this rule, the court, upon motion or upon its own initiative, shall impose upon the person who signed the paper or made the motion, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or other paper or making of the motion, including a reasonable attorney's fee.

§ 8.01-449. How judgments are docketed; executions issued thereon.

In the judgment docket there shall be stated in separate columns (i) the date and amount of the judgment, (ii) the time from which it bears interest, (iii) the costs, the names of all the parties thereto, including the address, *date of birth* and social security number, if known, of each party against whom judgment is rendered, (iv) the alternative value of any specific property recovered by it, (v) the date and the time of docketing it, (vi) the amount and date of any credits thereon, (vii) the court by which it was rendered, and (viii) when paid off or discharged in whole or in part, the time of payment or discharge and by whom made when there is more than one defendant. And in case of a judgment or decree by confession, the clerk shall also enter in such docket the time of day at which the same was confessed, or at which the same was received in his office to be entered of record. There shall also be shown on such book the name of the plaintiff's attorney, if any.

Error or omission in the entry of the address or addresses or the social security number or numbers of each party against whom judgment is rendered shall in no way affect the validity, finality or priority of the judgment docketed. The clerk may maintain the docket on computer, word processor, microfilm, microfiche, or other micrographic process.

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